

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Mr. G. and Ms. K.

v.

Civil No. 04-cv-188-PB

Timberlane Regional School District

ORDER ON MOTION TO STRIKE AND ON SCHEDULING

Defendant has moved to strike the administrative record filed by plaintiffs alleging:

1. That at least two inconsistent Certificates of Completion have been filed (see Document nos. 24, 34, 63 and 67).
2. That neither is consistent with the copy served on defendant;
3. That many pages in the Administrative Record are not numbered;
4. That there are many documents in the Administrative Record not listed in the Certificate;
5. That many dates in the Certificate do not correspond to the dates on the documents in the Record;
6. That there are numerous duplications both in the Certificate and in the Administrative Record;

7. That whole binders in the Administrative Record are not even listed in the Certificate of Completion;

8. That Local Rule 5.1(a)'s numbering requirements have not been complied with;

9. That the Certificate contains irrelevant and inflammatory statements by plaintiffs; and

10. That the records are so jumbled that with respect to many one cannot tell which documents are part of which administrative hearing.

Document no. 91.

A brief review of the filed Certificates and the Administrative Record demonstrates that plaintiffs have exerted great effort in trying to comply but that despite those efforts the Certificates and the Administrative Record are such a shambles that they present an unnecessary and perhaps impossible effort by defendant and by Judge Barbadoro to properly deal with them.

Defendant's points are well taken. The motion is granted and the following orders entered:

a. All Certificates of Completion filed by plaintiffs are stricken (document nos. 24, 34, 63 and 67);

- b. The Administrative Record as filed by plaintiffs is stricken;
- c. Defendant is ordered to file the Administrative Record and file an appropriate Certificate of Completion by January 23, 2006.
- d. Plaintiffs are ordered to cease and desist from making inflammatory, insulting or abusive remarks in any filing against defendant, its employees or defense counsel on penalty of contempt of court;
- e. Within thirty (30) days after the filing of the Certificate of Completion, defendant shall serve on plaintiff a proposed joint statement of material facts and file it with the court;
- f. Within fifteen (15) days thereafter plaintiff is to serve on defendant and file with the court any proposed additions or deletions from defendant's proposed joint statement;
- g. Within fifteen (15) days thereafter defendant shall file with the court a joint statement which adds or deletes any suggestions made by plaintiffs which defendant finds agreeable to it and a list

of disputed facts;

- h. Plaintiffs are to file and serve a list of any disputed facts in the final filing (in "g" above) within fifteen (15) days;
- i. Each party shall file a Decision Memorandum within thirty (30) days after the filing set forth in paragraph "h" above; and
- j. Other than the filings set forth in paragraphs "e" through "i" neither party may make any further filings in this case without first filing a request to do so by motion with me. The Clerk is ordered to reject all filings not approved for filing by me except requests for filings.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: December 21, 2005

cc: Mr. G.
Ms. K.
Diane M. McCormack, Esq.
Jeanne M. Kincaid, Esq.